

2 So knowing it was unusual  
 3 and not occurring, are you telling me today  
 4 you didn't keep track of this investigation?

5 A. What are -- define keep track of.

6 Q. Making sure that the 60 day  
 7 periods --

8 A. Absolutely --

9 Q. -- weren't being violated?

10 A. -- not. No.

11 Q. You didn't keep track?

12 A. No.

13 Q. Why not?

14 A. I was kept updated. If I hadn't  
 15 heard anything in awhile I would talk to  
 16 Corporal Wheeler, where are we at?

17 Q. Where is it indicated in the  
 18 reports that you were kept updated?

19 A. That's the kind of stuff that's  
 20 not documented in an investigation. That is  
 21 common practice within the State Police.

22 Q. What about the common practice of  
 23 the Pennsylvania State Police not documenting  
 24 contacts with district attorneys?

25 A. Again, if you want documentation

2 every time somebody talks to the district

3 attorney it would be none stop.

4 Q. Okay. Well, could you show me in  
 5 this I believe its been described as Captain  
 6 Hill's letter as a thorough and detailed  
 7 report where there was a call, contact or  
 8 letter sent to the district attorney in  
 9 regards to this investigation and let's just  
 10 start with prosecution that you say was  
 11 declined?

12 A. I don't know what you're asking  
 13 me.

14 Q. I want you to show me in the  
 15 report that I said Captain Hill has described  
 16 as thorough and accurate these contacts or at  
 17 least one with the district attorney and what  
 18 was said and done.

19 A. I mean, there's several  
 20 references here that state that he is  
 21 consulting with the D.A.'s office, but I  
 22 don't see any date, time what you're looking  
 23 for is saying he did it on this date and  
 24 time.

25 Q. Okay. Isn't it true the first

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2 entry we can find anywhere in this thorough  
 3 and detailed report, okay, is on the last  
 4 page where it's written the Tioga County  
 5 District Attorney's Office is not seeking any  
 6 prosecution toward any party involved at this  
 7 time?

8 A. No.

9 MR. HENZES: You might  
 10 want to turn to page five of the report.

11 THE WITNESS: Yeah.

12 That's where I'm at.

13 BY MR. PURICELLI:

14 Q. Oh, you're referring to -- so  
 15 we're being fair on the record, this  
 16 investigation was furthered per the Tioga  
 17 County District Attorney's Office request  
 18 into finding reasoning for Monserrate's  
 19 possible willingness to keep location of the  
 20 Bush children and herself from David Bush?

21 Is that what you're  
 22 referring to?

23 A. Yes.

24 Q. Okay. What date did that occur  
 25 on?

1 JOSEPH TRIPP

2 A. Don't know.

3 Q. Don't know.

4 Why not?

5 A. Because it's not written here.

6 Q. Uh-huh.

7 Should it have been?

8 A. Probably would have been nice.

9 Q. How was the conversation

10 occurring?

11 Was it in letter form?

12 A. I don't know.

13 Q. Was it on telephone?

14 MR. HENZES: He said he  
 15 didn't know.

16 MR. PURICELLI: I asked  
 17 him about a telephone. He said he  
 18 didn't know. So I'm being specific. I  
 19 like to be specific.

20 MR. HENZES: You asked  
 21 about a conversation. A conversation  
 22 can't take place by letter.

23 Go ahead.

24 MR. PURICELLI: If you  
 25 want I'll reread the question. I said

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2 by telephone.

3 MR. HENZES: He doesn't  
4 know.5 THE WITNESS: I have no  
6 idea how the conversation took place.

7 BY MR. PURICELLI:

8 Q. Okay. You're reading a thorough  
9 and detailed report.

10 Shouldn't that tell you?

11 A. If you say so.

12 Q. Well, I'm asking you the  
13 Pennsylvania State Police requirements of  
14 thorough and detailed reports referenced by  
15 Captain Hill as having, shouldn't I be able  
16 to read this report and find out when it  
17 occurred and how it occurred and where it  
18 occurred?

19 A. Sure.

20 Q. Aren't you trained as members of  
21 the State Police by the State Police to  
22 answer questions who, what, where, when and  
23 why?

24 A. Yes.

25 Q. Okay. And all that says is to

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2 try and find out why she's hiding the kids.

3 Correct?

4 In paraphrasing form.

5 A. I'll read it again.

6 Okay. What was your  
7 question again?8 Q. Well, my question is,  
9 paraphrasing, the district attorney is  
10 instructing the Pennsylvania State Police to  
11 find out why Sara is not disclosing the  
12 whereabouts of the kids?

13 A. Correct.

14 Q. And did anybody follow up such as  
15 yourself to find out why he would want to  
16 know that information if you didn't think the  
17 kids were missing?

18 A. I don't understand your question.

19 Q. Why would the District Attorney's  
20 Office ask you to find Sara and explain why  
21 she's hiding the kids if they weren't  
22 missing?23 MR. HENZES: No. They  
24 didn't ask that. Read it again.

25 MR. PURICELLI: I did.

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1 JOSEPH TRIPP

2 MR. HENZES: It says find  
3 a reason why she would be hiding. It  
4 didn't say find Sara and ask her why  
5 she's hiding the kids.

6 BY MR. PURICELLI:

7 Q. So they asked you to investigate  
8 a defense.9 Is that what you're  
10 telling me?

11 A. Asked me, personally?

12 Q. You, the Pennsylvania State  
13 Police?

14 A. No.

15 Q. Is that what you're saying?

16 A. I am not Pennsylvania State  
17 Police. There's multiple people involved  
18 here.

19 Q. I can split words, Trooper.

20 MR. HENZES: That would be  
21 nice because you're suing him,  
22 personally.

23 THE WITNESS: Yeah.

24 BY MR. PURICELLI:

25 Q. Isn't every member of the

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1 JOSEPH TRIPP

2 Pennsylvania State Police under your own FR  
3 referred to as trooper regardless of rank?

4 A. Sure.

5 Q. Okay. So when I refer to you as  
6 trooper I'm doing it affectionately because  
7 the regulations so, not to be demeaning to  
8 your rank, Sergeant?

9 A. Okay.

10 Q. Okay. I would have thought you  
11 would have known that.12 MR. HENZES: Since you  
13 sued him personally why don't you just  
14 stick to what he did since your clients  
15 are suing him personally as opposed to  
16 what someone else did or didn't do?17 MR. PURICELLI: Well, I  
18 will. And what he did or didn't do  
19 depends on what other people did;  
20 according to his testimony.

21 BY MR. PURICELLI:

22 Q. Now, you didn't keep track of the  
23 investigation by making sure that the  
24 investigator was doing things in timely  
25 fashion.Bucks County Court Reporters  
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2                   Correct?

3       A. Not my job.

4       Q. Not your job.

5                   And you didn't contact the  
6 supervisor to make sure that the  
7 investigator, the assigned investigator was  
8 doing things within a 60-day period that  
9 Lieutenant Ignatz talked about.

10                  Did you?

11       A. Sir, do you understand how many  
12 incidents comes into a station a month?

13       Q. Of this type, one.

14                  Isn't that true?

15       A. Sure.

16       Q. Okay. And you said this was  
17 unusual.

18                  Correct?

19       A. Absolutely.

20       Q. And I can agree with you that you  
21 probably don't keep attack of every --

22       A. Absolutely not.

23       Q. -- vandalism that comes in  
24 because kids hit a mailbox with a bat or  
25 something like that.

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2       A. Correct.

3       Q. Okay. But this was more than one  
4 of these minor events.

5                  Wasn't it?

6       A. Well, again, it was -- actually,  
7 not really. It was deemed at the very  
8 beginning as pretty much an attempt to locate  
9 by the District Attorney's Office.

10      Q. Well, you didn't classify that on  
11 the State Police forms.

12                  Correct?

13      A. That was how it was initially  
14 called in.

15      Q. Well, he came in. Not called in.  
16                  Correct?

17      A. Yes.

18      Q. So we're specific.

19      A. Yes. He came in.

20      Q. Okay.

21      A. Yes.

22      Q. Okay. All right. So you knew  
23 the complainant.

24                  Right?

25                  The person who was

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1                   JOSEPH TRIPP

2 complaining that some problem existed.

3                  Right?

4       A. I knew him?

5       Q. You knew his identity.

6                  Didn't you?

7       A. Yes.

8       Q. Okay. He identified the person  
9 he believed took his children.

10                  Correct?

11      A. Correct.

12      Q. Okay. And he couldn't find his  
13 children.

14                  Correct?

15      A. That's what he said.

16      Q. And he wanted to report those  
17 facts to you.

18                  Correct?

19      A. Correct.

20      Q. Now, under State Police policies  
21 what should you, if anything, have done in  
22 regards to locating the kids?

23      A. Exactly what we did.

24      Q. Now, isn't there a statute that  
25 controls your activity?

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1                   JOSEPH TRIPP

2       A. Which statute would you be  
3 referring to?

4       Q. I'm asking if you know, Sergeant.

5       A. You're looking for us to enter  
6 the kids into NCIC.

7       Q. Don't try and guess where I'm  
8 going, Sergeant.

9       A. Well --

10      Q. We'll get done a lot easier.

11      A. -- that's why I asked you.

12      Q. Isn't there a statute that  
13 controls that activity? That complaint?

14      A. As far as missing kids?

15      Q. Isn't that what he reported?

16      A. Yes.

17      Q. Okay. So can we stop sparring  
18 about that?

19      A. I want to know what you're asking  
20 me.

21      Q. I want to know isn't there --

22      A. At the very beginning did you not  
23 ask me to ask you if I don't understand your  
24 question?

25      Q. I did.

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2 A. That's all I'm doing.

3 Q. Okay. Now, we can agree that  
4 there's a statute to control the State Police  
5 conduct when kids are reported missing.  
6 Correct?

7 A. Correct.

8 Q. And Mr. Bush did report his kids  
9 missing.

10 Correct?

11 A. Correct.

12 Q. Now, did you tell me under your  
13 understanding of the statute you're aware  
14 ever where there is an exception of putting  
15 in kids into NCIC?

16 A. There is an exception.

17 Q. What is that exception?

18 A. If you deem that the kids are not  
19 missing.

20 Q. Could you show that to me?

21 You have it over there.

22 A. They're with their mother. He  
23 told us they were with their mother.

24 Q. That's fine.

25 If that's true, Sergeant

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2 Tripp, why did the State Police after the  
3 kids were located and were known to be in the  
4 natural father's possession require the  
5 Virginia State Police to declare them  
6 missing?

7 A. I don't understand your question.  
8 You're going to have to repeat that one for  
9 me.

10 Q. Isn't the thinking that you just  
11 testified to that the kids weren't missing by  
12 virtue of the fact that they were with the  
13 mother?

14 Is that what you're  
15 telling me?

16 A. Yes.

17 Q. Now, isn't it true in this  
18 investigation report -- you can look at it --  
19 that the Pennsylvania State Police were  
20 interviewing Serene to enter the kids into  
21 the missing children's databank?

22 A. I don't know. I don't see what  
23 you're referring to.

24 Q. Why don't we take a second and  
25 let you look at the pages a couple in from

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2 that last one you're looking at starting with  
3 a 10/23/06 --

4 MR. HENZES: The report by  
5 McDermott.

6 THE WITNESS: That was  
7 done out of --

8 BY MR. PURICELLI:

9 Q. Both on the same troop.

10 Aren't they?

11 A. Yes.

12 MR. HENZES: Different  
13 building location.

14 BY MR. PURICELLI:

15 Q. Is it your testimony they weren't  
16 communicating with your building?

17 A. No. We had communication with  
18 them.

19 Q. About this, in fact, what  
20 McCormick was doing.

21 True, isn't it?

22 A. Yes. I talked to McCormick.

23 Q. So let's not split hairs. I'm  
24 not trying to build a record.

25 Please read the document

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2 so that you become familiar again with the  
3 facts.

4 A. I don't have it.

5 Q. Sure you do. Believe me, you do.  
6 MR. HENZES: Just take it  
7 from mine. This is what he's asking  
8 for.

9 THE WITNESS: Okay. Now,  
10 what's your question?

11 BY MR. PURICELLI:

12 Q. My question is: Isn't it true  
13 after David Bush learned where the kids  
14 were --

15 A. Uh-huh.

16 Q. -- and the kids were turned over  
17 to him --

18 A. Uh-huh.

19 Q. -- the Pennsylvania State Police  
20 knew where the kids were when Serene came on  
21 or about October 23, 2006 at or about 2100  
22 hours, and to the rest of the world that's  
23 nine o'clock p.m., okay, to report the kids  
24 missing?

25 A. Okay.

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2 Q. Isn't that true?  
 3 A. Yes.  
 4 Q. Okay. Isn't it also true that  
 5 the Pennsylvania State Police under the same  
 6 troop that you were supervising --  
 7 A. Uh-huh.

8 Q. -- okay, determined that the kids  
 9 could be classified as missing and entered  
 10 into NCIC?

11 A. Yes.

12 Q. And isn't it also true that you  
 13 knew the whereabouts of the kids when the  
 14 Pennsylvania State Police were having the  
 15 kids put into NCIC?

16 A. They were with Mr. Bush.

17 Q. Thank you.

18 Now --

19 MR. HENZES: Wait a  
 20 second. You're distorting the facts.

21 MR. PURICELLI: No. I'm  
 22 not.

23 MR. HENZES: The  
 24 Pennsylvania State Police never entered  
 25 the kids into NCIC.

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2 BY MR. PURICELLI:  
 3 Q. Oh, okay. Didn't the  
 4 Pennsylvania State Police have the Virginia  
 5 State Police enter them in based on the State  
 6 Police's report, the Pennsylvania State  
 7 Police report?

8 Read it.

9 A. They said that they would file a  
 10 report based on -- it doesn't say that we had  
 11 them do it. They wanted -- Virginia State  
 12 Police wanted me to get the information  
 13 required in filling in missing person report.

14 MR. HENZES: Me being  
 15 Matthew R. McDermott.

16 THE WITNESS: Right.

17 BY MR. PURICELLI:

18 Q. Doesn't that report from  
 19 McDermott, Troop F, say that the State Police  
 20 in Virginia first would not enter the kids  
 21 into NCIC?

22 You can turn to the first  
 23 page of the report.

24 MR. HENZES: And you're  
 25 asking him does it say there --

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55  
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1 JOSEPH TRIPP

2 understand that.

3 BY MR. PURICELLI:

4 Q. In what capacity does Trooper  
 5 McDermott fall under your command?

6 A. He doesn't.

7 Q. He doesn't?

8 A. No.

9 Q. Wasn't he contacting your unit to  
 10 let you know there had been a report?

11 A. Sure, but he doesn't fall under  
 12 my chain of command.

13 Q. Did you tell him anything at all  
 14 when he was contacting your unit --

15 A. Yeah. I filled him in.

16 Q. -- about a case that you had been  
 17 working?

18 A. Not that I had been working.

19 That PSP Mansfield had been working.

20 Q. Did you tell him that we had  
 21 determined through the advice, allegedly, of  
 22 the District Attorney's Office that since the  
 23 children were known to be with their parents,  
 24 the mother in this case, that they weren't  
 25 deemed to be missing?

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2 A. You are totally twisting the  
 3 whole thing.  
 4 Q. It could be said the same for  
 5 you, sir. So let's not --  
 6 MR. HENZES: Let's go back  
 7 to your original question.  
 8 Does it say --  
 9 MR. PURICELLI: Uh-huh.

10 MR. HENZES: -- they would  
 11 not enter --  
 12 THE WITNESS: I don't see  
 13 that.  
 14 MR. PURICELLI: Well, it's  
 15 in there.

16 MR. HENZES: Then do us  
 17 the favor and point it out. And I  
 18 repeat, use the words that you use, the  
 19 Virginia State Police would not enter  
 20 the kids into NCIC.

21 THE WITNESS: I don't see  
 22 it.

23 BY MR. PURICELLI:

24 Q. Okay. It's not for me to justify  
 25 it. You're saying you don't see it.

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JOSEPH TRIPP

2 A. I don't see it.

3 Q. Okay. It does say here that  
 4 McCann, that's the individual from --  
 5 A. Who?

6 Q. McCann, M-C-C-A-N-N, then called  
 7 me back and stated -- me being McDermott --  
 8 then stated the informant was going to go  
 9 through the chain of command and he was  
 10 waiting to hear back from the Virginia State  
 11 Police headquarters. It does say that.

12 Right?

13 So you're saying you don't  
 14 know that they said they weren't going to do  
 15 it originally?

16 A. Yes. I don't know.

17 Q. When McDermott was contacting you  
 18 didn't he say that she was here to report her  
 19 children missing?

20 A. Yes. He did say that.

21 Q. And what did you tell him?

22 A. I don't recall.

23 Q. Okay.

24 A. I filled him in as to what was  
 25 going on.

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JOSEPH TRIPP

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1 Q. Could you show me in this report  
 2 from McDermott where he says he spoke with  
 3 you and you told him that?

5 A. Yeah. I spoke with Sergeant  
 6 Tripp PSP Mansfield station and filled him in  
 7 all the information. He stated that he  
 8 knew --

9 MR. HENZES: He being  
 10 me --

11 THE WITNESS: Yes.

12 MR. HENZES: -- so the  
 13 record shows.

14 THE WITNESS: He stated  
 15 that he knew of the supposed actor David  
 16 Bush.

17 MR. HENZES: He being you.

18 THE WITNESS: He being me.

19 BY MR. PURICELLI:

20 Q. I understand that. Okay. I know  
 21 the document may not show that.

22 And that's all it says you  
 23 said.

24 Right.

25 A. That I advised McDermott that

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2 there was no act of custody paperwork and a  
 3 PFA expired on January 1 of 2006.

4 Q. Okay. So in your knowledge then  
 5 what parent could or couldn't have possession  
 6 of their child with those facts that you just  
 7 related to McDermott?

8 A. Sir, you're asking me to form an  
 9 opinion on a report that I was not there to  
 10 take, nor did I have the information.

11 Q. I'm only asking you to read what  
 12 you said.

13 Did you say these things  
 14 to him?

15 MR. HENZES: You're asking  
 16 him to read what someone else reported  
 17 that he said.

18 BY MR. PURICELLI:

19 Q. And that's why I just asked him  
 20 did you say these things that he wrote?

21 A. Yes.

22 Q. Okay. So that goes back to my  
 23 other question.

24 Based upon what you told  
 25 him, nobody had a PFA anymore, nobody had a

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2 custody order, isn't it true either parent  
 3 had the right to be with their kids?  
 4 A. Had the right to be with their  
 5 kids? That's not for me to decide.  
 6 Q. Well, you have to decide whether  
 7 the kids are lawfully in possession with  
 8 someone to make a criminal arrest.  
 9                   Correct?

10 A. Correct.  
 11 Q. Could you make a criminal arrest  
 12 based on that information?  
 13 A. Because he took the kids from  
 14 Virginia?  
 15                   It's out of our  
 16 jurisdiction.  
 17 Q. Because he had them. Because he  
 18 had them?  
 19 A. Because who had them.  
 20                   Does David Bush have the  
 21 kids now?  
 22 Q. Uh-huh.  
 23 A. Apparently. I don't know. I  
 24 didn't see him with the kids. I don't know.  
 25 Q. Did McDermott tell you?

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2 MR. HENZES: McDermott  
 3 tell him what?

4 MR. PURICELLI: That David  
 5 Bush had the kids.  
 6 MR. HENZES: No. He just  
 7 told David Bush -- he, Tripp, told --  
 8 Tripp, as written in the report, told  
 9 McDermott that the children were with  
 10 David Bush.

11 MR. PURICELLI: I know all  
 12 that.

13 MR. HENZES: Apparently  
 14 you don't because you're getting it  
 15 confused.

16 MR. PURICELLI: Sorry, I'm  
 17 not. If you want to testify to all the  
 18 facts, go right ahead.

19 MR. HENZES: I'm trying to  
 20 get it cleaned up because you're all  
 21 confused.

22 MR. PURICELLI: You're not  
 23 cleaning it up.

24 MR. HENZES: Maybe to  
 25 seven other people in the room I am, not

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1 JOSEPH TRIPP  
 2 to you.  
 3 MR. PURICELLI: You want a  
 4 show of hands of how many are confused  
 5 and think I'm confused?  
 6 MR. HENZES: I don't think  
 7 you want us to take a vote.  
 8 MR. PURICELLI: All right.  
 9 I'll take a vote.  
 10 MR. HENZES: Go ahead.  
 11 MR. PURICELLI: I don't  
 12 see any hands up.  
 13 MR. HENZES: Ask your  
 14 question.  
 15 Well, I would hope your  
 16 clients wouldn't embarrass you, but  
 17 that's just my hope.  
 18 MR. PURICELLI: Well, I  
 19 didn't see your clients put their hands  
 20 uphill.  
 21 MR. HILL: We're trying to  
 22 remain professional.  
 23 MR. HENZES: Ask the  
 24 question.  
 25 You said, your original

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2 question was Virginia would not.  
 3 And can we agree there's  
 4 nothing in the document that supports  
 5 your question?

6 MR. PURICELLI: No. No.  
 7 We can't.

8 MR. HENZES: Okay.  
 9 MR. PURICELLI: Now, if  
 10 you want to clean it up on your turn,  
 11 fine.

12 MR. HENZES: You distort  
 13 the records so poorly that you can't get  
 14 your witnesses to answer a question  
 15 because they're confused.

16 MR. PURICELLI: I disagree  
 17 with that.

18 BY MR. PURICELLI:

19 Q. Now, we're back to where I was,  
 20 which is you are -- it's represented in this  
 21 report that you made these statements. You  
 22 made these statements.

23                   Correct?

24 A. The ones in McDermott's report?  
 25 Q. Yes.

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2 A. What I told him?  
 3 Q. Yes.  
 4 A. Yes.  
 5 Q. Now, that's all you told  
 6 McDermott?  
 7 A. I don't recall everything I told  
 8 him.  
 9 Q. Well, tell me what you do recall  
 10 having now read what he said you said.  
 11 A. Well, I agree with this.  
 12 Q. Is that all you recall him  
 13 saying?

14 MR. HENZES: Him say you  
 15 say.

16 THE WITNESS: Me saying.

17 Yeah. This seems to be  
 18 the phone call we had and he sent up all  
 19 the information he had from I can't  
 20 recall first name, Mrs. Bush, when she  
 21 came in.

22 BY MR. PURICELLI:

23 Q. Well, why would the children be  
 24 deemed missing in the custody of Mr. Bush  
 25 when they were known, but weren't deemed

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2 missing when they were in the custody of  
 3 Mrs. Bush?

4 A. Good question.  
 5 Q. I thank you.  
 6 A. When Mrs. Bush left apparently  
 7 with the kids I believe her husband was in  
 8 jail and also a PFA violation in place.  
 9 Q. Uh-huh.  
 10 A. She then was gone. Exact amount  
 11 of time, I don't know. Year and a half?  
 12 Year? I don't know. All of a sudden he then  
 13 goes down and grabs the kids out of school  
 14 and takes them.

15 Q. He had a court order.

16 Didn't he?  
 17 Yes or no?  
 18 Yes or no, Sergeant?  
 19 MR. HENZES: Does he know  
 20 if he had a court order with him?  
 21 He don't know that. He  
 22 wasn't with him.  
 23 BY MR. PURICELLI:  
 24 Q. You don't know then.  
 25 Do you?

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1 JOSEPH TRIPP

2 A. I say --  
 3 Q. You don't know how he got  
 4 custody.  
 5 Do you, Sergeant?  
 6 A. Yes. I do.  
 7 Q. Personally or somebody told you?  
 8 A. I saw a court order out of  
 9 Luzerne County.  
 10 Q. Do you have personal knowledge,  
 11 Sergeant, being professional as the captain  
 12 over there likes you to be --

13 MR. HENZES: He's a major

14 now.

15 MR. PURICELLI: Major now.  
 16 I know he's a major. I heard him out in  
 17 the parking lot.

18 MR. HENZES: Well, you  
 19 called him a captain.

20 MR. PURICELLI: For  
 21 purposes of this litigation he is one.

22 BY MR. PURICELLI:

23 Q. Do you have personal knowledge of  
 24 how the children came into the custody of  
 25 David Bush in Virginia?

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2 A. Yes.  
 3 Q. Were you present?  
 4 A. No.  
 5 Q. How did you acquire the personal  
 6 knowledge?  
 7 Not what somebody told you  
 8 or you read.  
 9 A. Oh, then I don't have personal  
 10 knowledge.  
 11 Q. Thank you.  
 12 A. I was told.  
 13 Q. You were told.  
 14 A. Uh-huh.  
 15 Q. Did that person tell you that  
 16 they -- by the way, who told you?  
 17 A. I believe it was the FBI.  
 18 Q. You think the FBI?  
 19 A. Sure.  
 20 Q. Okay. Did you write a report on  
 21 what the FBI told you?  
 22 A. No.  
 23 Q. Why not?  
 24 A. Why would I write a report on  
 25 something that happened in Virginia?

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